

SENATE No. 1004

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Limit the Powers of Transit Police.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
George Newman	544 Main Street Boston MA 02129
George Casey	P.O Box 404 Framingham MA 01704

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO LIMIT THE POWERS OF TRANSIT POLICE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Any registered rail carrier that appoints and maintains a police force shall
2 comply with the following requirements:

3 (1) Establish an internal policy that includes procedures to ensure objective
4 oversight in addressing allegations of abuse of authority or other misconduct on the
5 part of its police officers.

6 (2) Adopt appropriate policies and guidelines for employee investigations by
7 police officer. These policies and guidelines shall provide for initiating employee
8 investigations only under the following conditions:

9 (A) There is reason to believe criminal misconduct has occurred

10 (B) In response to employee accident.

11 (C) There is reason to believe that the interview of an employee could result in
12 workplace violence.

13 (D) There is a legitimate concern for the personal safety of one or more
14 employees.

15 The policies and guidelines which a rail carrier's police force must abide by shall provide for the
16 right of an employee to request a representative to be present during an interview concerning a
17 non-criminal matter.

18 SECTION 2. Copies of the policies and guidelines adopted under section I of this Act
19 shall be filed with the Massachusetts State Police, the Executive Office of Public Safety and
20 Security and the Attorney General of the Commonwealth of Massachusetts. All shall make filed
21 copies of the policies and guidelines available for public inspection. The board of the registered
22 rail carrier shall review the policies and guidelines, and approve them to ensure they comply with
23 this Act.

24 SECTION 3. A person adversely affected or aggravated by a decision of a rail carrier's
25 internal investigation under this Act may appeal the decision to the Massachusetts State Police.
26 The appeal shall be filed no later than 90 days after the issuance of the decision. The State
27 Police shall review the depth, completeness, and objectivity of the rail carrier's investigation, and
28 may conduct its own investigation of the complaint. The State Police may uphold, overturn, or
29 modify the rail carrier's decision by filing a report of its findings and recommendations with the
30 Executive Office of Public Safety and Security and the Attorney General of the Commonwealth.
31 Consistent with its authority under the Massachusetts General Laws the Attorney General shall
32 have the power to conduct evidentiary hearings, make finding, and issue and enforce order,
33 including sanctions under the powers it is afforded by the Massachusetts General Law.